

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:08-CV-346-D

SARAH E. ATWELL,

Plaintiff,

v.

DJO, INCORPORATED, et al.,

Defendants.

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ORDER

Defendants McKinley Medical, LLC, Curlin Medical, Inc., and Moog, Inc., (the “McKinley defendants”) filed a motion to stay all proceedings in this action, including pretrial discovery and current and pending motion practice, pending ruling on motion for transfer and consolidation by the Judicial Panel on Multidistrict Litigation [D.E. 154]. Plaintiff supported the motion [D.E. 156]. Abbott Laboratories and Abbott Laboratories, Inc. opposed the motion [D.E. 159], but the Abbot defendants are no longer parties [D.E. 165]. Moreover, on April 14, 2010, the Judicial Panel on Multidistrict Litigation denied the motion for transfer and consolidation [D.E. 166]. In light of the Judicial Panel on Multidistrict Litigation’s decision, the motions to stay [D.E. 154, 156] are DENIED as moot.

Plaintiff and the McKinley defendants have jointly moved to amend the scheduling order [D.E. 179]. For good cause shown, the motion to amend [D.E. 179] is GRANTED, and the scheduling order [D.E. 145] is AMENDED as follows:

- End of Discovery: November 29, 2010;
- Deadline to Complete Mediation: December 13, 2010;
- Dispositive Motion Deadline: March 23, 2011; and
- Date Ready for Trial: April 4, 2011, with trial date to be scheduled by separate order.

Finally, plaintiff has moved to amend the complaint to correct the caption and to add defendants the Broe Companies, Pat Broe, and Woo Young Medical, Co. Ltd. [D.E. 167]. The McKinley defendants take no position on the motion [D.E. 180]. For good cause shown, plaintiff's motion to amend [D.E. 167] is GRANTED. See, e.g., Nourisan Rug Corp. v. Parvisian, 535 F.3d 295, 298–99 (4th Cir. 2008). Plaintiff shall file the amended complaint not later than June 24, 2010.

SO ORDERED. This 14 day of June 2010.


JAMES C. DEVER III
United States District Judge